

CONVOY DISPATCH



VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975

May 2000 # 184

Seattle Teamsters Show How to Win

"It's not the job of union leaders to lower members' expectations," stated Bob Hasegawa, secretary-treasurer of Seattle Local 174. "When you build solidarity, when you show members that they can win, then they are ready and eager to fight to meet high expectations."

Seattle Teamsters took on some big corporations in April and came away winning industry-leading contracts. Other Teamsters can learn from this experience and achieve similar gains. Hasegawa says, "We need to bargain for today's economy. The days of settling for 30-cent increases should be over."

The winning recipe starts with a strong commitment to educate and mobilize Teamster members, and to aggressively organize nonunion competitors. You don't win industry-leading contracts with just professional jawboning at the negotiating table.

Two Big Contract Victories

In April 500 sanitation drivers in Seattle won "the richest contract in the history of this local," according to Hasegawa, quoted on the front page of the *Seattle Times*. They won wage increases of \$5.18 per hour over the six-year contract, which will raise base pay to \$24.45, plus pension increases. Pension contributions will reach \$5.03 per hour. They also won improved health benefits, medical benefits for retirees, and a \$1,000 bonus. They won overtime after eight hours (instead of only after 40), which was given away in the late 1980s. They also won an extra holiday, a fifth vacation week after 20 years, paid breaks, a 65-pound lifting maximum, and

other working condition improvements.

They now have the best sanitation contract in the northwest and one of the best in the country, after they took on Waste Management (the nation's largest waste hauler) and Allied Waste (the world's second largest).

How did they do it? The members were willing to organize to win, and to reverse concessions of the past. The officers were willing to lead. They held rallies and vigils and made news headlines. Members expected major gains and would settle for nothing less. Even when the contract was won, some members wanted more.

They also took the issues to the community. They made the issue of overtime after eight hours a matter of family values. Sanitation workers are among any community's most valuable workers, who do heavy, sometimes dangerous work, and people need to know that.

Local 174 has an aggressive program to organize the industries it represents, to maintain bargaining power. "The key is membership participation in organizing," Hasegawa told us. We're about 95 percent organized in this industry in this area, which gave us more clout at the table. Then it was rank and file power, with a smart contract campaign, that won it."

Taking on Boeing

Just days before the sanitation victory, another 300 drivers in Local 174 won a major contract victory at the Boeing Company. They rejected their first contract even though it had good money

in it and authorized a strike. They stood together to win new job-protections and an improved wage progression. They also won an immediate \$2.68 wage hike, plus 50 cents into the pension plan, three percent annual increases, a \$2,500 bonus, improved medical benefits, a \$5 per hour raise in the starting pay (to \$17.72) and got those currently in the wage progression a \$4 per hour increase,

a reduction in the length of the wage progression, recovery of overtime back pay which could be up to \$7,000 for some members, and various other improvements in the three-year pact.

Local 174 members and leaders used an organized contract campaign and support for the 40-day strike by Boeing engineers — and their support for the Teamsters —

continued on page 9



WHY ARE THESE LOCAL 556 MEMBERS CELEBRATING? They went to court and got their elected chief steward reinstated. See page 7.

Does Your Local Fight for You?

No? Then join and build TDU. Only an active rank and file can wake up a tired local and turn it into a fighting force for the members.

Got a local that works for the members? Join TDU, get involved, and give them a hand. The strongest local is one with every member educated and involved!

JOIN TDU

TDU MEMBERSHIP APPLICATION

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Phone (____) _____ Company _____

e-mail address _____

☐ City ☐ Road ☐ Dock ☐ Clerical ☐ Warehouse ☐ Construction ☐ Production

other _____

____ \$35 one-year membership & subscription to *Convoy Dispatch*.

____ \$85 three-year membership fee. (\$10 shall be rebated to the local chapter)

____ \$20 for spouses, and Teamsters who gross less than \$17,000 a year.

____ \$20 for retirees. Retired from Local _____

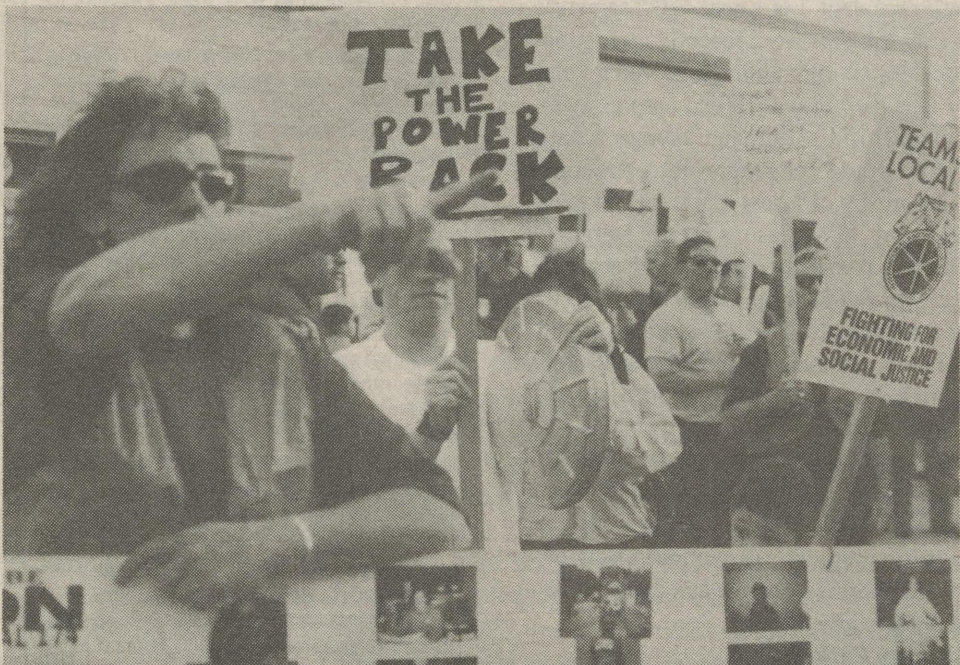
Check or money order

Mastercard/Visa # _____ Exp. date ____/____/____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

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Seattle sanitation Teamsters put rank and file power behind their negotiators at a march and rally for a better contract.

Letters From Our Members

Flight Attendants and Drivers Share Similar Problems

I read with interest Brother Anderson's article in CD # 183, "New Hours of Service Proposal Coming Soon." While it may appear on the surface that truck drivers don't have much in common with flight attendants, they actually do.

The government is proposing that drivers be on duty a maximum of 14 hours a day. The only rule governing flight attendants' hours is that we have to get 24 hours free from duty every seven days. All other rest time is what we have won in our contract.

Teamster flight attendants at Northwest currently have to be on duty up to 14 hours for domestic flights, 15 hours a day for international flights and up to 18 hours for extended duty flights (such as New York to Tokyo). Granted, we are provided a break on flights over eight hours, but obviously we can't leave the plane. And only our flight time counts towards a break — time spent getting people on and off the plane doesn't count, and our rest time includes traveling to and from lay-over hotels.

Apparently several members of our negotiating committee agree with Northwest management that these long hours are acceptable. Our new contract proposal includes provisions to make us work even longer hours.

Brother Anderson makes a statement that echoes in my mind nearly every day: "Trucking companies are not really concerned with drivers' quality of life anyway. Their bottom line is to make a profit."

Well, trucking companies aren't the only ones out there doing this to their employees. The airlines are lined up right next to them.

Thank you, Brother Anderson, for pointing out that we have many similarities

as Teamsters even though our jobs may be totally different. I hope that when truckers on vacation fly to their destination they will see their brother and sister flight attendants in a whole new light.

Ashley McNeely
Local 2000 Base Representative
Honolulu

Curtail Democracy?

In every Teamster local that I have ever encountered in my 54 years as a member and affiliate of the IBT, there have been malcontents and loose cannons disrupting the bargaining process.

It is not possible to conduct sound collective bargaining without the respect of management and the belief on their part that the union can deliver when an agreement is reached.

In this environment the exercise of democracy must be carefully curtailed. Democracy in the political functions of the union certainly, but anarchism certainly not.

Unfortunately, TDU activists, having never negotiated labor agreements or arbitrated issues, don't understand this. They feed off the malcontents and undermine the strength of the union in fulfilling its mission. Fortunately, the majority of members recognize this, having to work alongside of the nutcases, but it is all too possible to convince some liberal labor union-hating judge to support the weirdos.

Tom Hall
Local 317
Syracuse, N.Y.

Editor's note: Actually, many TDU members have negotiated contracts, conducted arbitrations and led organizing drives. We believe in keeping members informed and involved, but wel-

come opposing views.

TDU a Bright Spot

In my years as a union steward and employee of UPS it seems I lived every minute on the edge. Even now after two years of retirement it's hard to even think of UPS or the union without feeling some depression.

But I think of TDU as the bright spot in these days because TDU keeps the pressure on and the flame of hope burning. Keep up the good work.

Carl Davis
Local 164, retired UPS
Adrian, Mich.

Canadian Carhaul Contract

I'm writing in response to the article "Canadian Carhaul Contract Rammed Through" in CD #182. One problem with the contract that wasn't mentioned is what's happening to people on Long Term Disability (LTD).

The new contract increases LTD benefits to \$1,250 per month. But this doesn't apply to people like myself who are already on LTD. The union told me that it was only for people who go on disability after Oct. 31, 1999.

Why would our union officials not even think about the people already on LTD? When I tried to make some inquiries I couldn't get a straight answer from anybody at Local 938. To me it looks like a clear case of discrimination.

Paul Waselynychuk
Local 938, Allied
Niagara Falls, Ontario

Members Should Have Right to Vote on Mergers

The people of Russia can now vote for their president, but Local 420 Teamsters in Los Angeles were recently merged into Local 986 without being allowed a vote.

This merger was forced onto us even though Hoffa's campaign literature stated that he would not support forced mergers.

Members of Local 420 were not even given any valid reasons for the merger, which took effect on March 1. Local 420 had over \$500,000 in liquid assets, so it was not merged due to impending financial collapse. Perhaps the merger is political to help out the old guard in some way. I don't know.

I was disappointed to read in the IBT Constitution, Article IX, Section II, that the General Executive Board has the power to merge locals without a vote of the members. I hope we can change this at the 2001 convention.

Larry Parker
Local 986, Foster-Wheeler
Los Angeles

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in November 1999 for one year. Our Rank & File Convention had over 400 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

TDU International Steering Committee

Co-Chairs:

Dan Campbell, Chicago, Local 705
Joe Fahey, Watsonville, Calif., Local 912
Diana Kilmury, Vancouver, B.C., Local 155
Michael Savoir, Kansas City, Mo., Local 41

Organizer:

Ken Paff, Detroit

Trustees:

Gillian Furst, Minneapolis Local 1145
Ashley McNeely, Minneapolis Local 2000
Joyce Mims, Atlanta Local 728 spouse

Members:

Alex Adams, Cleveland Local 407
Homer Lambert, Chicago Local 743
Matt Latzo, Baltimore Local 355
Maria Martinez, Pasco, Wash., Local 556
Michael Ruscigno, New York Local 802
Willie Smith, Columbus Local 413
Chris Sullivan, New York City Local 237

Alternates:

Raul Rodriguez, Jr., Los Angeles Local 630
Rob Hermann, Baldwinsville, N.Y., Local 1149
Erik Jensen, Minneapolis Local 320

How to Contact TDU

We want to hear from you. Contact us at the address below for more information about TDU, or to send us articles or letters.

National Office: P.O. Box 10128, Detroit, Mich., 48210. Phone: (313) 842-2600. Fax: (313) 842-0227.

TDU can be contacted by e-mail at: tdudetroit@igc.org or on the World Wide Web at: <http://www.igc.org/tdu/>

NY Office: P.O. Box 170131, Brooklyn, N.Y. 11217 Phone: (718) 624-7746. Fax: (718) 875-9336. E-mail: tdueast@igc.org

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Subcontracting Issue Ignored Again

Hoffa, Heck Refuse to Meet with UPS Teamsters

Bill Heady
Local 177, UPS steward
Edison, New Jersey

I want to give everyone an update on the petitions circulated by the UPS Committee to Defend our Contract regarding the subcontracting of our feeder work to nonunion brokers by UPS management.

On March 1, I sent a fax and a letter via next day air to the office of Dick Heck at the Teamsters headquarters in Washington, D.C. In the letter I stated that the UPS Committee to Defend our Contract had collected petitions with some 7,000 signatures and that we would like to set up a meeting with him

and, if possible, with President Hoffa.

I stated that we were willing to travel to Washington, D.C., at our own expense. We wanted to let Hoffa and Heck know how seriously we take subcontracting and to express our concern that UPS would attempt to undermine the contract in this way in the future.

When I received Mr. Heck's response I was both baffled and disappointed. Heck stated that I should take up any grievances or contract violations with my local principal officer. Nowhere in my letter did I state that I had an individual grievance to discuss and, as far as my local principal officer goes, he is well aware of the hundreds of loads that belong to Local 177 members that UPS illegally subcontracted. UPS Teamsters across the country collected petitions to communicate our concerns to our leaders in Washington. Mr. Heck made it clear that those leaders are not interested

in hearing what we have to say.

Hoffa and Heck could have stopped subcontracting before it got out of control, but they failed to take strong, united action. This is truly a setback and an embarrassment for all Teamsters. Once a company like UPS gets a taste of undercutting our union, they will be eager to try it again.

While I am disgusted with the response of our International officials, I am proud of the way that UPS Teamsters stood up for our contract. We must continue to stick together and make our voices louder so that our leaders know that they can't stand by while management shreds our contract. They have to know that we will hold them responsible.

I would like to take this opportunity to thank all the rank and file members from the 50 locals who helped out with this petition. In Local 177, I would like to thank Steve Larkin, Scott McGahey, Tony Chudley and a special thanks to Al Oliveri.

UPS & Downs

UPS Financial News: Profits Break Record.

Profits for the first quarter of 2000 reached \$813 million after taxes, UPS's highest quarterly profits ever.

UPS announced that they intend to use the \$1.2 billion earned by their IPO last fall to buy back Class A shares from employees, and Class B common stock.

Syracuse Faces Extra Complications Creating Full-Time Jobs.

Syracuse has a somewhat unique seniority arrangement in that clerks and other inside employees are on separate seniority lists, with no cross-over bidding. Management is attempting to create chaos as they are forced to create full-time jobs. Instead of combining twilight and night hub positions, the company is creating jobs that are twilight clerk and night hub, and twilight hub and night clerk. The company is claiming that they cannot create combination jobs from only hub positions, because those jobs are too fatiguing. Double shifters have been making it work for years; the company depends on them to keep the hub operating. Syracuse members are fighting for a more sensible solution to job creation.

Mileage Mania.

A recent decision by the Premium Services Committee on a grievance out of Nevada has opened the door to erosion of the feeder system. The decision stated that language in Article 43 referring to "City Pairs" permits mileage turns that had previously been ruled illegal. As of the April 1 bids in the South, the company created over 20 previously illegal runs just in New Orleans and Jackson, Miss. Members have filed grievances protesting the legality of these runs.

A similar problem has been brewing over Nashville to Kansas City loads. Drivers from Nashville and Kansas City paid mileage would meet in Illinois, cutting out a relay driver from St. Louis. When it was ruled that they could not run this on mileage, management in Nashville offered drivers 65 hours pay a week to make the runs, no matter how long it took. Stay alert to this problem.

New Hampshire Driver Saves Job.

When New Hampshire Local 633 driver Rodney Call was terminated for failure to follow instructions when he couldn't keep up with UPS's "planned day" he was determined to win, not only for himself but to protect others. He had filed a grievance against supervisors riding with him, which should have prevented further rides until the grievance was resolved. But the company broke the contract.

Call's fellow Teamsters signed a petition of support; the NLRB informed the union and the company that they would monitor his grievance hearing; and evidence was gathered via videotape documenting that supervisors working on package cars routinely violated the same methods Call was accused of breaking.

The rank and file efforts paid off: the penalty was reduced to a five-day suspension. Unfortunately, the panel refused to accept the videotape as evidence, and the union encouraged Call to accept a negotiated two-day suspension instead of risking the hearing.

Local 493 Drivers Attacked For Missed Packages.

What happens when too few employees try to handle too many packages in the pre-load? Misloads. What happens when those packages aren't delivered? Management attacks the drivers for misses. Well what if the driver decides to spend extra time looking for an address off-area that was misloaded on their car? They get attacked for being "paid over." This puts the driver in a no-win situation for another employee's honest mistake. Why not correct the problem of misloads where it starts? Don't overwork the pre-loaders. Loaders with reasonable work loads could get the right stops on the right trucks, and there would be no more "missed" packages, right? Does management want to fix the problem, or just complain? (Reprinted from the *UPS and US* newsletter.)

Watch Your Back When Reporting Injuries at UPS

Ann Marie O'Neil
Local 804, UPS steward
New York

UPS pays lots of lip service to safety. As a safety committee member, I hear it all the time. But management's actions speak louder than their words.

Top UPS management has implemented a system that penalizes center managers for having injuries. The system is supposedly about creating an incentive for safety. But in reality, it encourages managers to try to suppress injury reports.

Recently a part-timer in my building badly injured his neck while unloading a 161-pound package. When he went to file an injury report, he was badgered at length by the pre-load manager and pre-load supervisor who asked him, "What are your intentions with the company?" and warned him that if he wanted to go driving that no manager would want to take someone who is a workers' comp problem.

Don't Be Bullied by Management

The managers also told the member not to talk to his steward about the issue, a violation of the National Labor Relations Act. That kind of bullying is coercive. Of course, the managers made sure to cover themselves by telling the member that the decision about filing the injury report was "up to him."

Usually managers are more subtle. They'll tell you, "Don't file an injury report. Let's see how you feel tomorrow." Managers in my center will even give members a few days off to get better just to avoid having a report filed.

Rank and file Teamsters need to be

aware of this problem and know how to protect themselves.

If you have an injury, you should always immediately file an injury report. That way you are protected in case the problem gets worse down the line and management tries to claim that you didn't hurt yourself at work.

If management tries to pressure you not to file a report, you have to stand your ground. If necessary, bring your steward or a co-worker along for support. If management is really pushy, you can tell them that it is a violation of OSHA to try to suppress an injury report. That should back them down. If not, contact your steward, BA or TDU for assistance.

If members who try to file injury reports in your center are routinely intimidated, you can do something about it.

- **Document the problem.** Keep track of any incidents where managers tried to talk members out of filing reports, marking down the date, time, incident, personnel involved, and witnesses if any. Then report the problem to OSHA or the equivalent state agency where you live.
- **Keep a record of any injury that causes a member to miss work.** UPS has to keep a detailed record of these injuries in an OSHA 200 log. Any union member has the right to inspect that log, going back up to five years. If you find a discrepancy between management's records and yours, you should file a complaint with OSHA immediately.
- **Contact TDU.** TDU can advise you on your rights and the steps you need to take.

The Other Side of the Freight Story

Mike Schaffer

Local 377, Roadway Express
Youngstown, Ohio

In March I received an eight-page Teamster Freight News brochure, with Hoffa's photo and message on the outside. Inside it was full of pictures of Hoffa appointees, but lacked the information I want and need.

I've worked for Big R since 1988 under both Eastern and Central supplements of the NMFA. I listen to what a man *says* and watch what he *does*.

In this brochure Phil Young says that at barns across the country Teamsters are winning victories through the grievance process. Brothers and sisters, I know you are doing backflips to hear this good news. If we were winning at the grievance panels, they would not need to spend dues money on this brochure to deliver the news.

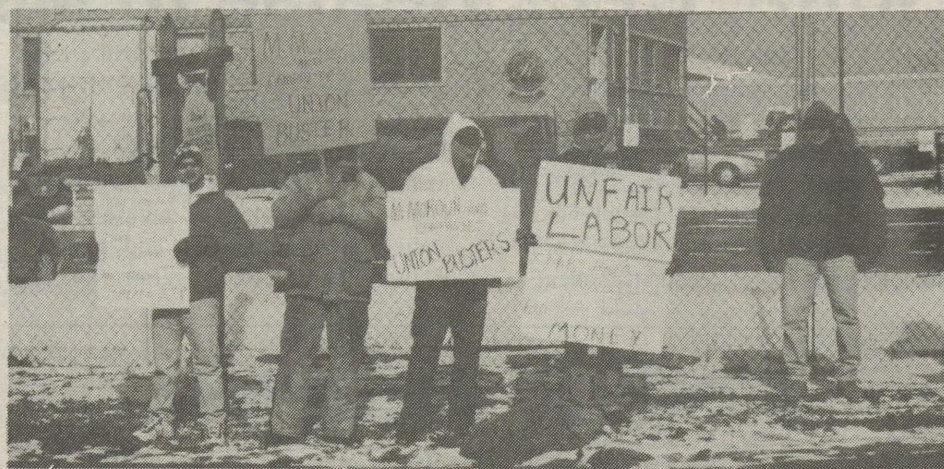
If Hoffa, Young and the regional directors pictured in the brochure were really proud of their record *they would mail us a listing of grievances decided in the East, West, Central and South and the record of wins, losses and deadlocks. It would be simple to computerize this record and*

make it available — but they won't.

How long has it been since these leaders pictured in the brochure have worked in freight? Fifteen, 20 or 25 years? They are out of touch with the rank and file and think they can impress us with what they say, not what they do.

At my barn we filed a local cartage grievance on Monday/Tuesday starts a year ago; the company continues to work us flex in violation of Article 61. One brother Teamster has lost hundreds of dollars showing up for hearings. We sent grievances with letters to Phil Young and Walt Lytle, Dennis Weinert and our principal officer Robert Bernat. Not one written reply, and this grievance has been on hold for six months at the Ohio panel.

The grievance procedure is worse than ever. Ask Central Cartage Teamsters in Hoffa's home town. Ask USF Holland drivers in Chicago Local 710. Ask Yellow or Roadway Teamsters affected by changes of operations permitting coast to coast sleepers to run over top of relays. Ask any Teamster who lost at the panel and has to go to the NLRB, STAA or OSHA to win their case. Ask



Former Teamsters of Central Cartage in Chicago protest the loss of their jobs to C.C. Midwest, owned by millionaire union buster Matty Moroun. These Local 710 members carried signs declaring "Local 710 Don't Give a Damn!" and "Where's Hoffa?"

the steward at our barn who was fired and put out of service two weeks when he should have been protected by innocent till proven guilty.

Hoffa has been in office just a year and already you need both hands to

count how many times your dues money has been used to pay for propaganda mailed to your home. It's time they print a brochure with the real results of grievances in it, and then put Hoffa's picture on it and mail it out.

Pabst Ordered to Pay \$2 Million Over Brewery Closing

When Pabst shut down its Milwaukee brewery in 1996, the United Auto Workers filed charges with the National Labor Relations Board. Those charges have now borne fruit. In March the NLRB ruled that 363 former Pabst employees will receive \$2 million. Retirees are continuing to pursue a lawsuit charging that Pabst illegally cut off their health insurance. Many consumers boycotted Pabst to protest the closing.

Carhaulers Still Waiting for Contract Books

Copies of the carhaul contract, settled nearly a year ago, have yet to be delivered to the members.

Copies of the agreement are essential to contract enforcement. The delay plays into the employers' hands and puts members at a disadvantage.

Getting members the tools they need to enforce the contract is clearly not a priority of the Hoffa administration. Carhaulers need to keep the pressure on.

Carhaul Teamsters Petition IBT to Stop Casual Drive-Out Agreements

Teamsters in the carhaul industry are circulating a petition that asks the IBT to put a stop to the practice of casual workers driving individual vehicles out of yards and to their destination. The practice exploded over the past year. Many local unions signed deals with Allied and other employers allowing the expanded use of yard casuals.

Carhaul companies have in the past used casuals to deal with overflow work or unusual situations. The difference now is their use when regular Teamsters could be performing the work. In Tampa, Fla., and some other areas the practice has also been accompanied by nepotism in the hiring of casuals, with friends and family of union officials getting the work.

Canadian Carhaul Brokers Burned At Both Ends

Not satisfied with forcing through a substandard contract for Canadian company carhaulers, Local 938 officials have also allowed Allied Systems to pull a fast one on their unionized brokers.

In the runup to contract negotiations last fall, Allied sent registered letters to all brokers, telling them that Allied was buying back their trucks and converting them all to company drivers.

After a few meetings with the company, union officials came back with a

take-it-or-leave-it deal: in exchange for being able to keep their trucks, the brokers would agree to cuts in mileage pay, and would give up a contract clause that provided for increases in mileage pay when fuel prices went up.

With no support from their officials, brokers felt they had no option but to accept the deal. Now, with fuel prices going through the roof, brokers are feeling burned, both by the company and their officials.

Freight Lines

STAA Victory for Roadway Teamster.

The Truckers Justice Center has won another one. After having his discharge upheld by the Eastern Regional Joint Area Committee, Michael Harrison, a Roadway Teamster and member of Buffalo Local 375, appealed his case to OSHA and won his job back with the help of the Truckers Justice Center.

Harrison is a switcher concerned with safety. In the course of his duties he made it a practice of red-tagging trailers he found to be defective, ultimately reporting the recurring equipment problems to the Bowmansville, N.Y., office of OSHA. In response to his activities on behalf of safety, Roadway issued a memorandum stating that "switchers could red-tag only with the approval of the relay department."

When Harrison found that his safety complaints were continuously disregarded and his red tags routinely strewn on the ground and the defective trailers put on line, he started red tagging again. The company began to build a disciplinary record against him and ultimately fired him for "repeatedly violating company rules and disregarding instructions from his supervisors" — red-tagging defective trailers without approval of the relay department.

Administrative Law Judge Robert Kaplan ruled that Harrison was fired for "protected activities" and therefore in violation of the STAA. The ALJ ordered Roadway to immediately reinstate Harrison with full back pay (\$44,990.29), and that he be made whole in every way, plus interest and attorney's fees. Now why couldn't the Eastern Region Grievance Panel see it that way in the first place?

Overnite's Profits Decline 90 Percent.

Overnite reported a 90 percent decline in profits in the first quarter of 2000. In the first quarter of 1999, before the strike, Overnite reported a profit of \$10 million as opposed to the mere \$1 million in year 2000 quarterly profits. In the last quarter of 1999 Overnite suffered a \$13 million loss. Overnite also reported a four percent loss in freight tonnage despite a booming economy.

The IBT suggests the most appropriate comparison of their performance is with ABF, a unionized company of similar size, who reported a net income of \$13.2 million for the first quarter of this year, up 93 percent.

As paltry as Overnite's performance appears in comparison with other carriers in this economy, even that may be overstated. IBT sources expect there may have been some creative accounting by Overnite's management in anticipation of the upcoming Union Pacific stockholders meeting where UP stockholders are likely to be mighty unhappy about their subsidiary's performance.

Kansas, Missouri and Oklahoma Teamsters Replaced

Battle Heats Up Against AWG

On Sunday, April 2 Associated Wholesale Grocers (AWG), the second largest cooperative in the U.S., outsourced its operations, displacing 1,200 Teamsters from their jobs. Locals 955 (Kansas City, Kans.) and 245 (Springfield, Mo.) immediately set up picket lines and kicked off a boycott campaign.

AWG handed Springfield warehouse operations over to Elite Logistics Inc., a subsidiary of Tibbett and Britten. CSI is now running the Kansas City warehouse. Perryman Refrigerated Lines, using owner-operators, has taken over transportation.

Both local unions are leafleting stores and calling for a boycott. They have also publicized the fact that AWG's actions are in violation of a tax abatement agreement that calls for at least 50 percent of AWG

employees being hired from the immediate area. Replacement workers have been flown in from Virginia and other states.

On April 4 the locals extended picket lines to AWG's Oklahoma City distribution center. Local 886 members honored the picket lines and on April 5 AWG permanently replaced the 200-plus workers with new hires.

AWG cited cost saving as a reason for the outsourcing but they are incurring huge costs as a result of the changeover. Accidents have been frequent. On the first day a trailer tipped over, spilling product destined for store shelves onto the highway. Productivity figures are down and delivery delays up.

Three weeks into the lockout Elite Logistics reported that between 65 percent and 70 percent of orders were being filled and shipped. These figures could be inflated. Some dissension has started to appear within store-owner ranks. Wayne Gott, owner of Town and Country stores, wrote to AWG President Doug Carolan on April 14, asking him to return to the bargaining table.

Some replacement workers have quit, fed up with the 12-hour days, seven days a week. Several picketers were attacked in one incident. At least one striker has been charged with assault.

Before the lockout on April 2, AWG claimed in bargaining that they needed concessions in order to compete with Wal-Mart and other retailers. It appears that the union offered concessions.

"We gave them numerous, compre-



Teamsters and supporters picket outside a Price Cutter supermarket.

hensive proposals to save them money and give them more flexibility," Local 955 President Bobby Davidson said.

Nevertheless, AWG called an impasse in bargaining. Clearly, outsourcing was the goal all along. AWG has a virtual monopoly on the greater Kansas City area and is in solid financial shape.

Loss of 1000 Members

N. California Frito-Lay Workers Vote to Leave IBT

A long-shot gamble by Frito-Lay has resulted in a giant loss for Teamsters. In March Frito-Lay Teamsters represented by 13 Northern California locals voted 449 to 382 to decertify.

The decertification is one of the largest losses by the IBT in many years. The fact that it took place in Northern California, the site of the only regional agreement for Frito-Lay Teamsters, was also a blow.

Initially, Frito-Lay's strategy was to hold votes local by local, pick off a few weak units and undermine the union bargaining position. The IBT argued before the National Labor Relations Board (NLRB) that one vote should be held for all locations. The NLRB ruled on the IBT's side and conducted one vote, winner take all.

The union's strategy might have worked if not for several factors. In some areas the anti-union vote was fueled by membership anger over the closing of some distribution centers and subsequent shifting of workers to the bottom of the seniority list in other centers. About 65 members, for example, were recently moved from Modesto to Stockton.

Bad feelings also lingered over a shift from the Teamster pension plan to a company plan some 10 years ago. This has been a lynch pin of Frito's strategy for over two decades. Most Frito-Lay Team-

In 1999 net profits topped \$64 million on sales of \$3.4 billion.

AWG Teamsters are putting up a strong fight. Let's hope the IBT backs them up with real resources. Fourteen hundred Teamster families are at stake, as is the future of the Teamster organized warehouse industry.

sters are now under inferior company medical and pension plans.

At bottom, however, is the IBT's refusal to follow through on a national plan for Frito-Lay. Soon after taking office the Hoffa administration held a meeting in Chicago at which promises were made to beef up coordination and provide resources to challenge Frito's union-busting. There was even talk of kicking off an organizing campaign to bring non-union units into the IBT.

So far, no steps have been taken. The same hands-off stance was applied to the decertification drive. Members and locals were forced to do what they could without backing from the International Union. Frito-Lay, owned by PepsiCo, certainly applied extensive resources to the campaign.

Hoffa and Bakery Division Director Rich Volpe claimed that nothing can be done until the Overnite strike is over. Nevertheless, Hoffa currently has numerous full-time staff working to advance his political aims in certain local unions. And meetings in resort areas and multiple salaries are also back in fashion.

The Northern California vote should be a wake-up call. We need a national campaign to protect Frito-Lay Teamsters. We need IBT leadership that will put members first.

First-Ever Union Victory at Wal-Mart

Meatcutters in Jacksonville, Texas, voted on Feb. 17 to join the United Food and Commercial Workers. The vote broke Wal-Mart's long-time barrier against unions. Workers in Palestine, Texas, and Normal, Ill., have also petitioned the NLRB for a vote. Wal-Mart is challenging the Jacksonville election. They have also announced that prepackaged meat will now be used in a number of stores, including Jacksonville, in an attempt to do away with meatcutter positions. Wal-Mart has over 800,000 workers, many employed in warehousing and trucking. The IBT needs a long-range plan for making Wal-Mart union.

Canadian Frito-Lay Plant Workers Win Strike

When contract time comes around, the centerpiece of Frito-Lay's dog and pony show is always the claim that they have never lost a strike. That script has been rewritten by Canadian Steelworkers Local 4610 in Ontario, who returned to work on April 18 after beating back company concession demands and winning solid wage increases to boot.

On Feb. 28 the 460 plant and transport workers rejected Frito's offer by over 75 percent.

While important, money was not the central issue. The strikers focused on an outrageous demerit system under which workers could be disciplined for not working on their day off or not working overtime. They also wanted more protections for part-time employees. Frito's demand for a continuous work week, seven days with straight time on Saturdays and Sundays, was also a point of contention.

Five weeks into the strike Frito-Lay invoked a provision in Canadian labor law that lets the employer call for a re-

vote on a contract offer. The workers held firm and rejected the last offer again, this time by 63 percent.

"Frito hoped that the revote would be close," said Steelworker representative David Hilker. "If it had been the company would have held out, but the strong vote forced them to come back with a better offer."

On April 18 members voted to accept the new offer. It contained three-percent wage increases each year of a three-year contract. Part-timers were brought into the union. The demerit system was changed so that no worker can be penalized for refusing to work overtime. And Frito's demand for a continuous work-week was altered dramatically, insuring that all current full-time employees will remain on Monday through Friday work-weeks and that limited weekend production cannot lead to layoffs.

Canadian union members have shown that you can take on Frito and win. It's time to follow their example in the U.S.

Project RISE:

Anti-Corruption Program or PR Campaign?

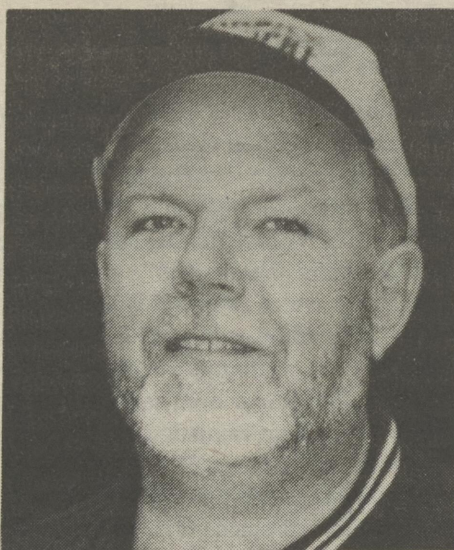
When James Hoffa announced that he was launching an "anti-corruption" program called Project RISE, many union members were skeptical to say the least.

Nevertheless, TDU took a positive approach. The TDU Convention voted to provide input and help in the development of a code of ethics. TDU does not vary its goals depending on who happens to be the Teamster president or who puts forward something positive. TDU has worked for an ethical code in the Teamsters for 24 years and is responsible for much of the progress that has been made in this direction. We intend to continue that course.

But there are warning clouds on the horizon. Project RISE is fast becoming an expensive PR operation for the Hoffa regime. Teamsters have seen the glossy coverage in the *Teamster* magazine. So far the reality doesn't live up to the hype.

For example, the Project RISE Task Force recently issued a summary of the decisions made by its various subcommittees, a laundry list of reforms that the Code should NOT include. According to the summary, the Code should NOT:

- "Set any maximum salaries or maximum salary increases (for union officials)."
- "Set any limit on multiple salaries (for union officials)."
- "Contain any restrictions on nepotism."



"If Hoffa is interested in promoting Teamster ethics, he can start with his own conduct."

"After the members of my local elected a reform slate, Hoffa overturned the results to give his supporters another shot at getting re-elected. In the rerun election, members voted the Reform Team in by a two to one margin."

"There can be no Teamster ethics without respect for democracy and dissent. Hoffa's bullying of reform officers has to stop."

John McFadden

**Local 1150, Sikorsky
Stratford, Conn.**

- "Require job descriptions or performance standards for employees" (e.g. business agents)

Perhaps the low point of the summary was the Task Force's position that: "No-show jobs are wrong, but the Code should not contain a prohibition." This particular "anti-corruption" regulation is not only wrong headed, it is illegal. Former Teamsters General President Jackie Presser was indicted for having ghost employees in 1986. (Presser passed away before the trial.)

This outline is not a sound foundation for Teamster "ethics."

A RISE draft code is now out, and it follows the bleak guidelines outlined by the subcommittees. In fact, 90 percent of the supposedly new ethics in the draft code, such as prohibiting embezzlement of union funds, are rights already provided to members under federal law or because of court victories.

Even more disturbing, when meaningful reforms not already covered by law were suggested, they were rejected. Task force member Ron Teninty of Local 206 proposed that the code of ethics have real teeth, and include specific reforms such as:

- A ban on using union funds to pay outrageous multiple salaries for Teamster officials.
- Members shall have the right to elect their stewards.
- Local union elections shall be by mail ballot and under rules like those used in the International election.

Who could be against these basic elements of ethics. The Hoffa Task Force, that's who. For a full copy of Teninty's rejected proposals, contact TDU.

Meanwhile, the PR job continues. In coming months, Hoffa will have many staff out in the field full-time plugging his ethical code to the members. Is this really about "developing a culture that is intolerant of corruption" or is this about putting Hoffa campaign staffers out in the field on the member's dime to spin Hoffa as a reformer?

"Unfortunately, RISE comes across as nothing more than expensive Hoffa window-dressing," said Local 653 member Tom Sheibley. "When you look at his actions in office, he's regularly abused his power to stamp out rank and file democratic activity wherever he finds it." Sheibley debated RISE consultant Ed Stier and Hoffa Vice President John Murphy at the national conference of the Association for Union Democracy in New York City on April 8.

"Hoffa has rerun local elections when he didn't like the results, and used trusteeships and mergers to stop reformers from being elected," Sheibley said. "He's sent auditors and personal reps to bully reform officers, and attacked his political opponents in the *Teamster* mag-

azine. Are these the 'ethics' that RISE is going to promote in our union?"

Hoffa's code says very little. His actions speak mouthfuls about the kind of "ethics" he wants to promote. TDU members have worked for 24 years to make democracy and open political

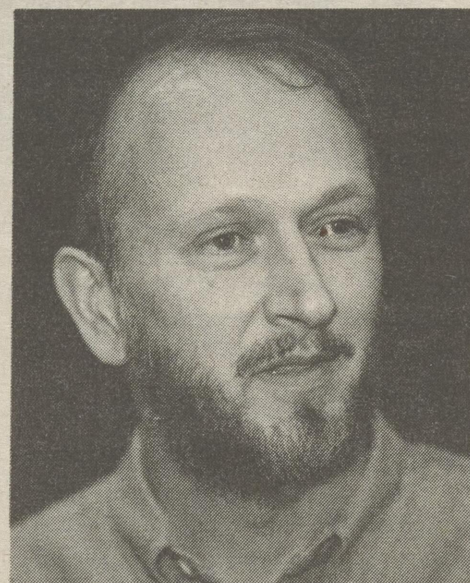
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Tom Sheibley

**Local 653, Roadway
Brockton, Mass.**

choices free of intimidation the bedrock of a strong, ethical Teamsters union.

With millions of dollars slated for RISE, maybe Hoffa's ethics consultants could look into the attacks on rank-and-file dissent instead of just providing cover for Hoffa's dirty war on Teamster reformers.



Hoffa's Anti-Corruption Appointee Can't Find Corruption Under His Nose

Les Singer, Teamster International Vice President, president of the Ohio Conference and president of Toledo Local 20, is a member of Hoffa's RISE Task Force, which is supposed to get rid of corruption in our union. Unfortunately, Singer has had a lot of trouble spotting corruption in his own local.

In early April Local 20 trustee and business agent David Poland pled guilty to perjury in federal court. That conviction results from his testimony in February 1997 before a Grand Jury investigating, among other things, Central States health and welfare benefits that went to the owners of Toledo Pipe Transport. Poland made a deal to let the owners become members of the local illegally and receive union benefits, then lied about it to the grand jury.

The grand jury investigation showed that the siphoning of benefit funds began in 1990. In 1998 the owners pled guilty to racketeering, since they were using the company to launder money for Colombian drug traffickers.

Poland's boss, Les Singer, should have known something was amiss at least by early 1997. Surely in 1998, when it was reported in the newspaper that employers were illegally getting benefits in his local, Singer should have found something. But no. Singer kept Poland on the payroll of

both Local 20 and the Ohio Conference until he "retired" at the age of 47, shortly before his recent conviction.

Singer claims, in a letter to TDU, that he conducted a thorough investigation, but apparently just couldn't find anything. We can only hope his investigations of members' grievances are more effective than this one. He has failed to return our call to his office to ask what he did to investigate this matter. We have offered to report on his investigation if he provides us with the information.

Even after Poland pled guilty, Singer still can't see a problem. He told the *Toledo Blade* on April 8 that he had "no evidence that would indicate that [Poland] engaged in any misconduct relating to his responsibilities as an officer or employee of Local 20."

Say what? Singer is still saying he has "no evidence" after his appointee pled guilty in a case that involved a contract with Singer's local that gave union benefits to employers who were convicted of embezzling union members' benefits.

Even after the conviction, he still can't bring himself to condemn the person who betrayed our union, or admit that he has any responsibility in the matter.

Can this person be a leader in ending corruption in the Teamsters? Hoffa and his RISE program say yes. You decide.

Broken Promises

Candidate Hoffa promised a Rank & File Bill of Rights. President Hoffa has been a different story.

Hoffa Denies Vote, Breaks Up Local 617

In 1998, candidate Hoffa pledged in his "Rank & File Bill of Rights" that all Teamster members would have, "The Right to Vote for Officers and Vote on Local Mergers or Breakups."

But last month, Hoffa's General Executive Board broke up Local 617 in Ridgefield, NJ without a vote of the membership. Local 617 members were parceled out to four different locals, all of them headed by Hoffa supporters.

Despite Hoffa's campaign promise, members had no vote on the future of their local and no voice on what local they were transferred to. The Local 617 breakup headed off efforts by rank and file members to end the trusteeship and to run a reform slate in the election for 617 officers.

Members Petitioned for an Election

In January, more than 300 members signed a petition asking Hoffa to end the 617 trusteeship and schedule an election. Hoffa never responded.

In February, members retained an attorney who wrote to Hoffa asking for a response to the rank and file petition. Again, Hoffa never responded. Finally, members filed a complaint with the Department of Labor.

Hoffa knew that the trusteeship, which was more than two years old, would not stand up under legal scrutiny. Hoffa moved quickly, dissolving the local within weeks of the Department of Labor complaint.

Hoffa justified the breakup of the local on the grounds that it was not "self-supporting." But there was nothing unusual about the membership level or finan-

Despite Hoffa's campaign promise, members had no vote on the future of their local and no voice on what local they were transferred to. The Local 617 breakup headed off efforts by rank and file members to end the trusteeship and to run a reform slate in the election for 617 officers.

cial strength of Local 617 at the time of its dissolution.

Local 617 represented approximately 1,248 members and reported total net assets of \$97,647.77. There are now approximately 189 locals in the IBT that represent 1,250 or fewer members. Some have fewer than 100.

Hoffa has not dissolved those locals, but he moved suddenly and without a vote to dissolve one where reform members were organizing to win an election.

Judge Rules that International Union Retaliated Against 556 Reformer

Candidate Hoffa pledged in his "Rank & File Bill of Rights" that all Teamster members would have, "The Right to Trusteeships Free of Political Terror." Following a hearing on March 3, a federal judge ruled that Hoffa lied.

Judge William Fremming Nielsen of the U.S. District Court, Eastern District of Washington ruled that the Local 556 trustee appointed by Hoffa retaliated against TDU leader Maria Martinez for being a reform activist.

Saying the retaliation violated Martinez's free speech rights, the judge or-

dered the Teamsters to immediately reinstate Martinez to her democratically elected position as chief shop steward representing 1,300 members at the Iowa Beef Processing (IBP) plant in Wallula, WA.

The ruling gives a boost to rank-and-file members who are suing the International Union to demand an end to the undemocratic trusteeship of Local 556. Members are seeking an end to the trusteeship and an independently supervised election for 556 officers. Their case will go to trial this summer.

Teamster General President Jimmy Hoffa imposed a trusteeship on Local 556 effective July 12, just days after Martinez and other Local 556 activists announced that they would run for local union office because of the lack of strike

support from International and local union officials.

The trusteeship effectively canceled the local union election scheduled for October where rank-and-file activists were expected to sweep Hoffa-aligned, old guard incumbents out of office.

In the wake of the trusteeship, J. Allen Hobart, the man appointed by Hoffa to run Local 556, kept all of the members of the discredited local administration in place, with the sole exception of Martinez who ran on the Leedham Slate in 1998.

"This fight is not about me as an individual. It's about whether Hoffa will be allowed to gag members because they don't agree with him," Martinez said. "This is a victory for every Teamster member that Hoffa has tried to silence at Local 556 and across our union."

Teamsters Need Rank & File Power, Not Illegal Schemes

Former Teamster political director William Hamilton was sentenced in March to three years in federal prison for his role in the Teamster campaign finance scandal of 1996.

During his sentencing, Hamilton said that he was, "deeply ashamed and angry," but that, "We didn't want the union to go back to the days of corruption."

No one can blame Hamilton for not wanting the Teamsters to return to the corruption of the past. Certainly not working Teamsters who remember the serial indictments of our union's General Presidents and the "sweetheart" contracts negotiated by the old guard. But corruption cannot be defeated by corrupt means.

The scheme cooked up by outside political consultants showed a fundamental lack of faith in the Teamster rank and file. The consultants didn't have the confidence that Teamster members could use the democratic process to defeat corruption without the aid of illegal campaign finance schemes.

For 24 years, TDU members have had a different approach to fighting corruption and building Teamster power — one rooted in the belief that organization and free and fair elections are all working Teamsters need to clean up their union. That is the vision that triumphed in 1991, toppling the corrupt old guard officials who had dominated our union since its foundation.

Of course, James Hoffa would have us believe that Teamster corruption began and ended with Ron Carey. James R.

Hoffa, Dave Beck, Jackie Presser, Roy Williams, and their friends and business associates were never indicted or convicted according to Hoffa or the phony "history" he published in the December 1999 issue of the *Teamster* magazine.

From reading the propaganda coming out of the IBT these days, you would never know that Carey instituted far-reaching reforms to fight corruption and empower rank and file Teamsters, including:

- giving members the right to mail ballots in all local elections;
- abolishing 63 multiple salaries with the abolition of the area conferences;
- putting working Teamsters on national bargaining committees;
- lowering his own salary by \$75,000 a year;
- demanding that any staff member charged in court or by the IRB take a leave of absence to pursue their case on their own time.

Each and every one of these reforms has been reversed by the Hoffa administration.

The fight against our union's corrupt old guard has been long and protracted. That fight continues today. Corruption will not be stamped out by the government or by union staffers or outside consultants. The fight for a strong, corruption-free Teamsters Union must be won by the Teamster rank-and-file.

That's why working Teamsters formed TDU in 1976. And that's why we continue organizing today.

Hoffa Files Politically Motivated Lawsuit

On April 17, the International announced it was suing former General President Ron Carey. The suit charges Carey and nine other individuals with racketeering and embezzling.

The charges center on an illegal scheme cooked up by outside political consultants to use union contributions to groups working to get out the vote in the 1996 U.S. election in exchange for contributions to the Carey reelection campaign.

The court-appointed Internal Review Board (IRB) did not find that Carey par-

ticipated in the scheme. The IRB ruled only that Carey should have known.

For three years, Hoffa has threatened this lawsuit. But Hoffa waited until the Teamsters are entering the first stages of next year's election for International Union officers to launch his legal attack. Coincidence? Hardly.

The suit says that the Teamsters spent \$2.2 million to re-run the 1996 election. Hoffa wants the court to order the defendants to pay for the cost of the election, plus triple damages.

Teamster LM-2 Form Reveals

Hoffa Adds 100 New Multiple Salaries

James Hoffa ran on a platform that he would "cut and cap" salaries of officials. James Hoffa as Teamster president has given himself a big raise, added some 100 multiple salaries to officials in a massive payoff to campaign donors and friends, and violated every possible campaign pledge on this issue.

Some 82 Hoffa supporters have been appointed to various titles to receive an extra salary, on top of one or more salaries they already are drawing. These titles include International Representative, Re-

gional Director, Assistant Director, etc. Some of these multiple salaries are high, some are low. But all of them mean an extra pension as well. In addition, 20 of 22 Hoffa slate vice presidents and trustees are taking multiple salaries, some of them bagging over \$200,000 a year.

One of the two who is not listed as taking multiple salaries is Dotty Malinsky, who was voted out of office in her own local so she lost hers. The International's LM-2 financial report claims

that VP Phil Young takes no other salaries. We will verify this claim; if true, others should follow his example.

Hoffa's campaign pledges compared to Hoffa reality

► **Hoffa promise:** Limit General President and General Secretary salaries to \$150,000.

Hoffa reality: Both Hoffa and Keegel violate this and make \$200,000.

► **Hoffa promise:** Cap all International officers and employees aggregate salaries at \$150,000.

Hoffa reality: Numerous Hoffa officials make over \$150,000.

► **Hoffa promise:** Lower the multiple

salary for vice presidents to \$50,000.

Hoffa reality: Nobody lowered anything; instead they raised them.

► **Hoffa promise:** Eliminate union payment of *employee* portion of FICA; also eliminate COLA.

Hoffa reality: Nothing was eliminated. Perks were increased.

TDU presents factual information each year based on an analysis of hundreds of financial reports on file with the U.S. Department of Labor and the IRS. As this material becomes available and compiled, a full factual report will be provided to Teamster members.

Hoffa's campaign promises are taken directly from his printed materials.

Hilbish Flub on Pension Revealed

Atlanta CSI Members Vote to Strike, Contract Reopened

In March Atlanta Local 528 members voted to strike CSI. This strong stand has resulted in CSI and Ken Hilbish reaching agreement to reopen the contract.

The roots of the current battle lay in the 1998 contract negotiated with CSI after Kroger outsourced its operation. Members were prepared to fight to save their contract and benefits. They struck Kroger/CSI/Ruan. Almost immediately Hilbish told them they had to return to work, and negotiated a contract that took all warehouse members out of the Central States Pension Fund. The ratification vote was conducted without proper notice and with poor communication of the actual terms of the agreement.

At the time (and ever since) Hilbish told members that the International Union and Tom Leedham ordered that the strike be shut down. "At no time did I direct the strike to end," Leedham has stated in a response, "or in any way suggest that it should end. The entire notion is ridiculous," he pointed out, "given that the warehouse director does not have the authority under the IBT Constitution to authorize strike action, or to order a strike shut down."

Hilbish's fingerpointing may well be related to his need to divert attention from his own actions around the CSI contract. According to the U.S. Department of La-

bor, Hilbish jeopardized Teamster pensions when he failed to get approval from the Central States Pension Fund for 12 weeks of payments from CSI (after he let them out of the fund). Timed with the change in vesting to five years, the payments would have benefited dozens of Local 528 members.

Instead, those members, the fund itself and other members covered by the fund have been harmed by Hilbish's actions.

The contract reopener gives members a chance to fight for their rightful pensions. How it will play out is difficult to determine. In his own local, as around the country, Hilbish has a poor record on contracts and respecting member rights.

Local 528 members are determined to win. Another plus is the upcoming Local 528 officer election. A reform group has gotten together in the local. Hilbish knows that unless he is able to deliver at CSI his chances will go from slim to none. No doubt this is why he has timed the reopener to be between now and September — just before the election.

The current situation shows in part the value of democracy (when members are organized to use it) in our union. Sometimes reluctant officers are forced to fight harder for the members. And when they fall short of what is needed, members are prepared to replace them.

Hilbish Style Democracy

'If You Don't Vote, You Voted for Me!'

Ken Hilbish, Hoffa's Warehouse Division Director and president of Atlanta Local 528, is afraid to let the members of his local have a mail-in ballot in the local election this fall. He's desperate to suppress voter turnout so he can have any chance to stay in office.

But Hilbish says he wants to be fair. He will mail them a referendum in which they can choose their preference: a mail ballot, or a walk-in at the union hall, which is sure to have a low turnout in this spread-out local.

There is just one little problem with Hilbish's expensive gimmick: if you

don't mail in your ballot, your vote counts for a walk-in! Since no election in Local 528's history has led to a majority returning ballots, Hilbish is guaranteed to win in his little game.

Hey, Ken, how about this: why not hold a walk-in poll, and if you don't vote, your vote counts as a preference for a mail-in?

A copy of Hilbish's announcement has been provided to Hoffa's ethics panel for their consideration. Is it ethical to use union funds to conduct a poll in which

non-voters count as voting the way Hoffa's staff wants? We will find out.

IBT Tactics in Atlanta 728 Show Hoffa's True Face

On April 7, Vince Hickman, a personal rep of Hoffa, threatened to assault Local 728 Vice President Greg Charron. The threat, witnessed by several Executive Board members, is the latest of a series of attacks against reformers in the Atlanta local.

Hickman is point man for Hoffa and Southern VPs Ken Wood and Tyson Johnson.

As trustee of Local 390 in Miami he refused to hold membership meetings, sold the union hall and moved it far from members. He was eventually removed from that position, but not before he helped turn the local back over to old-guard elements.

Working with turncoats within Local 728, Hoffa and his front men are attempting to turn back the clock on reform in a local that has been a flagship for reform in the IBT.

Turncoats, Ken Redding and Waymon Stroud, have been ready and willing to do Hoffa's dirty work. Over the past several

months Stroud has fired five reformers from staff positions: Doug Mims, Greg Charron, Jimi Richards, Doris Sanders and Benny Stephenson.

All five are experienced, hard-working representatives. Doris Sanders was the only woman freight BA in the South. They have been replaced with less experienced, pro-Hoffa appointees.

Stroud's stated reason for the firings: "reorganization." The real reason: he was ordered by the Hoffa administration to get his house in order by getting rid of pro-reform staff.

Stroud has been soundly criticized at membership meetings for his actions. Charron has filed a criminal complaint and IRB charges against Hickman. Other charges are pending over the firings.

Local 728 members have a long and proud history of reform and independence. Hoffa has played some cards, but the game is far from over. Once again Local 728 members are playing a big role in the fight for democracy in our union.

TDU Convention 2000!

Nov. 3-5

Sheraton Airport Cleveland

- *Attend educational workshops*
- *Join with other reformers to plan for the upcoming Teamster Convention and victory in the 2001 election for International officers!*

Seattle Teamsters Show How to Win

continued from page 1

to bring home a big win without a strike. The prospect of a Teamster strike after the engineers' strike helped.

International Clamps Down on Member Power

In the midst of the sanitation Teamsters' bargaining, Hoffa decided to force his re-interpretation of strike sanction on the local. "There was [International vice president] Jon Rabine saying we had to go to mediation and withholding our strike sanction," Hasegawa said. This was after a 99.2 percent strike vote and at the height of the

union's strength.

Hoffa has come up with a new rule to sap bargaining leverage of locals. By withholding strike sanction, the IBT prevents a local from getting the employer to put forward their best offer. It seems rank and file power is not the priority in the Marble Palace.

Solidarity All the Way

During the same week that the Boeing and sanitation contracts were ratified, Local 174 was in the news again as part of a labor-community victory. Local 174's port workers joined forces with

union longshore workers and environmental groups to prevent the unloading of toxic wastes at the Port of Seattle. The ship had been turned away from Vancouver's Delta Port and was attempting to use Seattle as a secondary dumping spot. The EPA originally declared the shipment illegal but, after consulting with the corporation, agreed to turn a blind eye this time.

But unions and environmentalists

turned it away. "This is what our WTO protest last fall was about — stopping global corporations from rising above the law. Trade union cooperation is the only firewall against corporate power when politicians fail in their duty," Hasegawa said.

The actions and victories of Local 174 show that membership power pays off big, in good contracts and in community respect.

Las Vegas Local 631

Trusteeship Raises Questions

Las Vegas Local 631 has been placed into emergency trusteeship for very suspicious, and possibly illegal, reasons. Trusteeships are illegal unless imposed for serious and valid reasons that warrant throwing elected officers out and replacing them with appointees.

Despite all of his campaign rhetoric about local autonomy, it appears that Hoffa has imposed a trusteeship because one of his vice presidents didn't like the elected officers of Local 631.

Last year an old guard slate was voted out by the membership, and replaced with a new set of officers. While a couple of the new officers are reformers, by all accounts the secretary treasurer, Tim Murphy, represented no challenge to the old way of doing things.

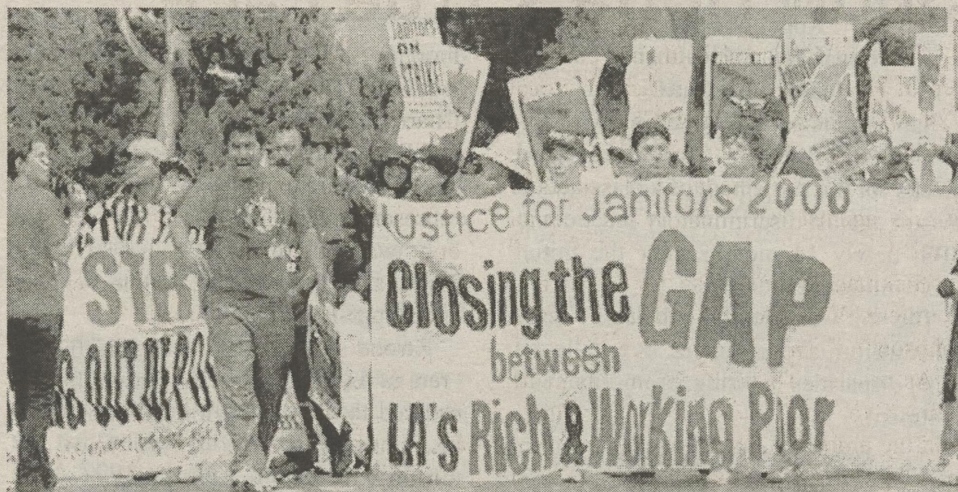
But Hoffa appointed International Vice President Jim Santangelo of Los Angeles to come to the local and try to tell Murphy, the elected principal officer, who he should hire and fire. Apparently Murphy did not shine Santangelo's shoes

quite enough, because a trusteeship was imposed, based on a strange list of reasons. These reasons are:

- membership discontent;
- BAs not keeping members informed on grievances;
- failure to enforce contracts;
- inexperienced officers and agents;
- and employment decisions at the local influenced by politics.

Sound familiar? These are the same kinds of complaints heard about hundreds of locals; in fact, Hoffa would have to put himself into trusteeship for most of these same reasons! After all, he's got damn little experience and certainly has used politics in hiring and firing. These are the kinds of issues that are settled by local elections, not by take-overs. Furthermore, the trustee has retained the same business agents, the very ones Hoffa accused of not handling grievances and contracts properly.

Hoffa named Jim Wilkerson, former head of Las Vegas Local 14, as trustee.



STRIKING JANITORS MARCH IN LOS ANGELES. Thousands of janitors who clean the gleaming office towers of downtown Los Angeles struck for three weeks in April, winning hourly raises of 70 cents, 60 cents, and 60 cents in each year of a three-year contract, plus a \$500 signing bonus. Janitors in L.A. are currently some of the lowest-paid janitors in the country, making an average of between \$6.80 and \$7.90 per hour.

The predominantly Latino janitors were able to pressure the cleaning companies to win a better contract by building solidarity with the community and the broader Los Angeles labor movement. Teamster reformers in Local 396, who booted out old guard leadership last fall, played an important role in supporting the strike. Local 396 UPS drivers and trash haulers refused to cross picket lines to deliver packages or pick up trash for the duration of the strike.

photo by Mark Vallen

Hoffa Administration Tries, Fails to Rig Election Rules

Despite an all-out effort, the Hoffa administration failed to gut the rules that will govern the 2000-2001 IBT election and delegate elections. On April 21 the U.S. Department of Labor (DOL) ruled against their campaign to turn the Teamsters into a one-party union.

The Hoffa administration proposed these changes in the rules: first, that TDU, as an on-going rank and file caucus which is not primarily an election organization, could not participate in the election as it did in previous elections; second, that TDU would have to reveal the names of its members and contributors to candidates (and thus to the Hoffa administration), thus denying members legal protection they've had in the past; and third, that the number of *Teamster* magazines in the fall of 2001 with campaign pages from nominated candidates would be reduced from three to two.

The DOL ruled against the Hoffa administration on each of these. The Labor Department did allow to go into effect a Hoffa proposal to raise contribution limits

from \$1,000 to \$2,000 for Teamster members, and from \$5,000 to \$10,000 for candidates for International office. The rationale was that there were no limits at all in the 1991 and 1996 elections, only in the 1998 rerun.

Hoffa's point man in the drive to destroy the rights of members to form an ongoing rank and file organization is Patrick Szymanski, General Counsel of the Teamsters Union. Szymanski is also Hoffa's campaign lawyer, and his firm loaned the Hoffa campaign hundreds of thousands of dollars. It seems he has a lot of trouble separating his campaign work from working for our union.

Many TDU members and other concerned Teamsters submitted comments on the proposed rules. Those comments became part of the record and helped defeat Hoffa's plan.

The Election Rules are expected to go into effect by the beginning of May. Soon after that Election Administrator William Wertheimer will open an office in Washington D.C.

2001 Election Watch

DELEGATE ELECTIONS IN SEASONAL LOCALS. By early May the Election Administrator (EA) will announce which locals with seasonal food processing members will hold delegate elections this summer, and the number of delegates to be elected.

ACCREDITATION PETITIONS. Beginning in June, candidates who wish to become accredited will begin petition campaigns. Becoming accredited gives the candidate space in the *Teamster* magazine for campaign materials, provides access to membership lists, and is an opportunity for candidates to build their campaign. Signatures from 2.5 percent of the membership in each region is needed to become accredited. To obtain space in the October magazine, candidates must submit signatures to the EA in August.

NUMBER OF DELEGATES TO BE ELECTED. On June 1, the EA will notify each local of the number of delegates they will be allowed to send to the 2001 Teamster convention.

CONVENTION DATE SET. The 2001 Teamster Convention will be held in Las Vegas on June 25-29. Members interested in attending as observers should make plans for vacation time.

PLANNING TO RUN FOR DELEGATE? If so, contact TDU for tips on running your campaign. You may also want to order *Running for Local Union Office*, an 81-page book on how to organize your election campaign. Available from TDU, \$10 each.

Quick Vote on Northwest Flight Attendants' Contract

Members Win Gains, But Have Questions

Northwest flight attendants have a new tentative agreement to vote on. As *Convoy* goes to press, full details are not yet available. Local 2000 leaders met by phone conference April 24, and each was asked to give a verbal endorsement before seeing the text of the agreement. A minority said they would not endorse something they had not even been given to read.

The contract, which covers 11,000 Teamsters nationally, is headed for a quickie vote. The International union decided that is the best way to get it passed.

Improved Pensions

An estimated \$90 million in improvements was added to the \$881 million offer

that was rejected last August by the rank and file. The new offer contains an increase in retirement, raising the level to \$65 per year of service beginning in the first year of the five-year deal. (The rejected first offer raised it to only \$55 per year to start then up to \$62.50.) Junior and senior level flight attendants will receive the highest immediate wage increases, some averaging as high as 27 percent. But the large middle-level seniority group will get an eight percent raise, an increase of two percent over the first offer.

Some predict the most contentious matters will be retro pay and work rule concessions. After going without a raise since 1988, and giving wage concessions in 1993 to save the company from bankruptcy, the 3.5 percent retro payment offer does little to make up for all those lost wages and falling behind on basic cost of living. In contrast, Northwest CEO John Dasburg took in a \$46.5 million compensation package over the last five years, and President Richard Anderson just received an 82 percent pay increase.

Work Rule Concessions

Several concessions in work rules were not removed from the rejected first agreement. The flight attendants still won't be paid while passengers are boarding or deplaning from the aircraft, and junior flight attendants will have to sit "on call" at airport sites several days a month to cover rescheduled or late inbound crews. Also, the union did not negotiate amnesty for the workers fired for alleged sickout absences.

Only Two Bases to Hold Meetings

The company is printing up the full text of the deal, which will be given to all flight attendants. Meetings with members will take place only at the two largest bases in Minneapolis and Detroit, and transcripts of the presentation on the deal will be put in flight attendants' mailboxes. Flight attendants unable to attend the presentations, and those from the remaining eight bases, can call their questions in to bargaining committee members on specified days. By limiting the number of base meetings, the officials hope to minimize dissent.

The improvements in the new offer are a credit to the many flight attendants who were determined to fight. The Hoffa administration sent each flight attendant six mailings last August in a hard sell for that first offer. The members intend to educate themselves and encourage an informed vote on this latest offer.

Hoffa Sends in Overseer

In early April, Hoffa appointed a personal representative, Local 120 official Brad Slawson, to oversee Local 2000.

Hoffa says this is "not a trusteeship," but Slawson has said it could result in a one and calls himself the "overseer."

He is investigating officers and staff, attending all meetings, and otherwise probing what has become a politically divided local.

He chaired a Minneapolis union meeting, with Local 2000 President Bil-

lie Davenport in attendance. One member reported on Slawson's role at the meeting, "He left more questions than answers and more distrust than trust."

A budget and suggestions for cutting expenditures were submitted long ago, but plans had not been adopted by the local's board. The budget has since been approved.



New Hampshire Spouses Join TDU

"When companies violate workers' rights, the stress and problems affect your whole family. That's why we've joined TDU along with our spouses. Together we can all know our rights and make a difference."

Pictured left to right: Marlyn Hamilton, Phyllis Charpentier, Marcie Wood, Sandy Carter, TDU spouse members, Local 633, Manchester, N.H.

UPSers Win Victory Against Discrimination

Roger Wilkins
Local 315, UPS steward
Martinez, Calif.

San Francisco Bay area African-American Teamsters finally received checks for the settlement of a class-action lawsuit against discriminatory practices at UPS, nearly 14 months after the initial \$12.1 million settlement.

The suit was filed on behalf of Northern California part-timers over alleged racial disparities in hiring, promotion, and treatment.

1996 NAACP Hearings

The origins of the settlement trace back to public hearings held under the auspices of the Oakland NAACP and the Teamsters in December of 1996. Ironically, it was the eloquent testimony of UPS full-timers that laid the groundwork for the subsequent part-timer lawsuit.

The NAACP's call for people to testify was answered by over 400 UPSers. In the eyes of many Black UPSers the company is an equal opportunity oppressor with

even worse treatment for African-American workers than a paradigm for corporate enlightenment. The settlement offers enhanced opportunities for advancement to African-American part-timers and 800 numbers to ensure its enforcement.

Even after the legal victory many Black UPSers in Norcal wonder if much has changed.

Robert Allen, who has worked 10 years as a part-timer in Richmond, Calif., quipped that the lawsuit had changed little. However, he quickly added that the suit, in conjunction with the 1997 strike gains, federal OSHA's proposals for ergonomic standards and greater volume attributed to e-business have had a big impact in the workplace. There now seems to be a little light at the end of the tunnel.

Other Black UPSers echoed the sentiments of four-year part-timer Derek Lewis of Local 315, "I am proud of the brothers and sisters who stood up, fought back, and won."

TDU Meets

Ashtabula, Ohio TDU

Last Saturday every even month
Saturday, April 29, 1 p.m.
Geneva Country Kitchen
1741 Route 534 at I-90
Geneva, Ohio
For information call 330-797-1541

Baltimore/Washington, D.C. TDU

Third Sunday every odd month
Sunday, May 21, 2 p.m.
Location to be announced
For information call 301-317-4030

Chicagoland TDU

First Sunday every even month
Sunday, June 4, 2:30 p.m.
UNITE Hall, 333 South Ashland
Corner of Ashland & Van Buren
For information call 773-486-3831

Minnesota TDU

Sunday, May 21, 1:30 p.m.
Broadway Pizza
Broadway & West River Rd.,
Minneapolis
For information call 612-825-7883

Northern California TDU

Third Saturday every odd month
Saturday, May 20, 10 a.m.
Diamond Branch
Oakland Public Library
Fruitvale and MacArthur
Oakland, Calif.
For information call 707-426-5310

Southern California TDU

First Sunday every even month
Sunday, June 4, 10 a.m.
VFW Hall
101 S. Main St., Pomona, Calif.
For information call 562-694-5831
or 760-951-4949

Wisconsin Badger State TDU

Saturday, June 3, 10:30 a.m.
Sue's Bayview Bandwagon
2463 South St. Clair, Milwaukee
For information call 414-965-3713

Youngstown, Ohio TDU

Last Saturday every odd month
Saturday, May 27, 2 p.m.
Denny's Restaurant
4927 Mahoning Ave.
Austintown, Ohio
For information call 330-797-1541

Using the Family and Medical Leave Act

Leave My Vacation Alone!

Bob Schwartz

Larry Browner planned to take a three-week vacation with his family in July at a resort in Montana. However, in February, his mother took ill and he was forced to miss a week from work to care for her. During his absence he received a letter from the company informing him that the week came under the Family and Medical Leave Act and would be charged to his vacation allotment, leaving him only two weeks available for the summer break. Browner, furious, marches to the union office with the receipts to his already paid Montana vacation. Can the union help him?

Employers across the country are telling workers they must use up vacation days during Family and Medical Leave Act absences. Some workers have lost their entire vacation allotments because they incurred serious illnesses or had to care for ill family members. This article explains how unions can challenge abuse of workers' vacation rights.

Employer Arguments

Employers say forced-vacation policies are justified by a sentence in the FMLA that states: "An employer may require the employee to substitute ... accrued paid vacation leave, personal leave, or family leave for leave provided under the [Act]."

Employers contend that this sentence permits them to implement policies requiring workers to use up their paid vacation and personal time during FMLA leaves, whether or not the employee agrees.

What employers miss, however, is a provision protecting unionized employees. According to Section 2652(a) of the FMLA: "Nothing in this Act ... shall be construed to diminish the obligations of an employer to comply with any collective bargaining agreement ... that provides greater family or medical leave rights to employees than the rights established under this Act or any amendment made by this Act." Section 2652 insures that workers do not lose rights previously obtained through collective bargaining.

The right of employees to choose vacation days is part of almost all collective bargaining agreements. In many cases, express contract language allows employees to choose

their vacation periods, subject, perhaps, to seniority or rules limiting the number of employees who can be on vacation at the same time. Few agreements give employers the right to select vacation dates.

If your contract does not expressly state that employees have the right to select dates, this right is usually established by virtue of past practice. It is widely accepted that when a consistent past practice fleshes out the workings of general contract language, the practice is binding on the parties.

FMLA Regulations

The U.S. Department of Labor's FMLA regulations confirm that an employer may not abrogate collectively bargained vacation rights. The Preamble to the FMLA regulations states as follows:

At the same time, in the absence of other limiting factors (such as a state law or an applicable bargaining agreement) ... the employee must nevertheless accept the employer's decision to require [vacation substitution], even where the employee would desire a different result (Comments pertaining to Regulation Section 825.207).

This sentence clearly states that the substitution of vacation time for FMLA time can take place only *when there is no limiting factor* such as a collective bargaining agreement that provides employees with the right to choose vacation periods.

Grieve Violations

Under most (but not all) union agreements, an employer which forces an employee to use up vacation pay during an FMLA absence violates the contract's vacation clause. The union should pursue such cases through the grievance and arbitration procedure. In the only published arbitration decision on this specific issue, Arbitrator William P. Daniels, ruled in favor of Paperworkers' Local 7278. Arbitrator Daniels found that the local's bargaining agreement enabled employees to select vacation periods because the contract stated that "preference for a specific vacation period will be given to the senior employee ..." Consequently, said the arbitrator, the employer's FMLA right to require employees to use up accrued vacation time "is limited by the collective bargaining agreement which, in this case, does not permit the employer to diminish the beneficial value of vacation choice." (Grant Haven Stamped Products Co., 107 LA 131).

Unfair Labor Practice

In addition to violating the contract, the imposition of forced vacations may be an unfair labor practice under the National Labor Relations Act (NLRA).

The NLRA forbids employers from adopting policies which impact employees in a significant manner without first notifying the union and, if the union requests, bargaining in good faith. The unilateral adoption of a forced vacation leave policy is an unfair labor practice and can be invalidated by the NLRB.

The problem in this area, however, is that NLRB charges must be filed *within six months* of the imposition of the unlawful policy. In many cases, unions have let the six-month period go by, making it impossible to lodge charges at the NLRB.

Permissive Contract Language

Vacation-clause grievances cannot be filed if the union has agreed to contract language permitting the employer to impose paid leave. Surprisingly, language to this effect is found in several national agreements including the National Master Freight Agreement, the UPS Agreement and the carhaul agreement. Article 3 of the Freight Agreement says that "The employer may require the em-

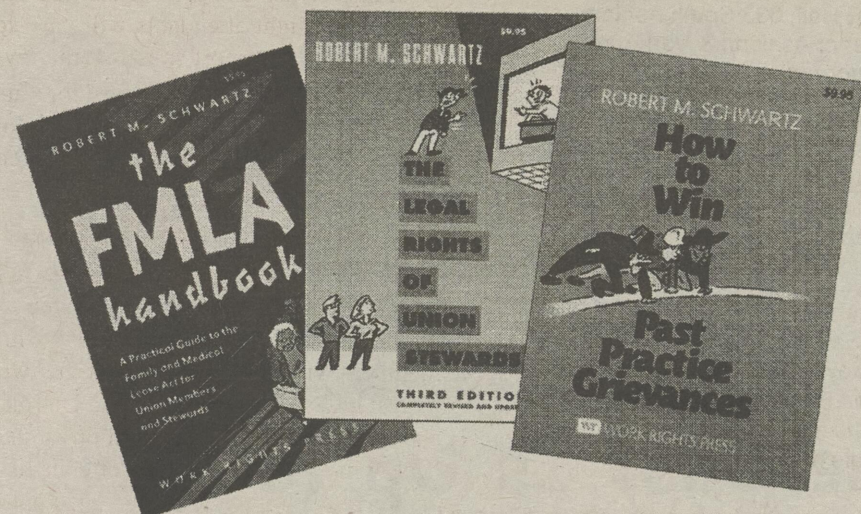
Unions sometimes agree to such language in the mistaken belief that the FMLA mandates concessions. The restoration of vacation rights should be a priority for any union which has inadvertently or otherwise given up guaranteed vacations for its members.

ployee to substitute accrued paid vacation or other paid leave for part of the twelve (12) week leave period."

Unions sometimes agree to such language in the mistaken belief that the FMLA mandates concessions. The restoration of vacation rights should be a priority for any union which has inadvertently or otherwise given up guaranteed vacations for its members.

Learn More About Your Rights

Books by Bob Schwartz



Boston labor attorney Bob Schwartz is the author of the *FMLA Handbook*, the *Legal Rights of Union Stewards* and *How to Win Past Practice Grievances*. These comprehensive guides are written in an easy to use format, and are a valuable resource for any Teamster. The *Legal Rights of Union Stewards* is also available in Spanish. \$9.95 each.

Please send me: _____

Amount enclosed \$ _____

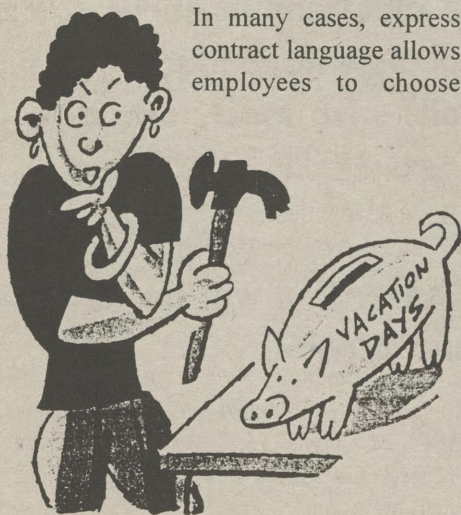
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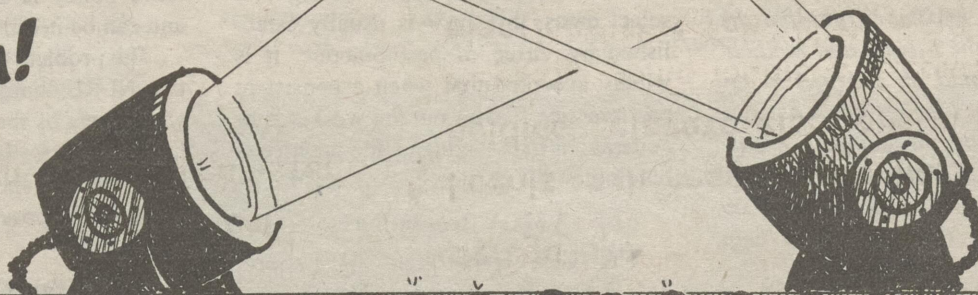
Address _____

City _____ State _____ Zip _____

Return to: TDU, Box 10128, Detroit, Mich. 48210



*Coming soon to
your local union!*



Elections for Teamster Convention Delegates



The Cast Is Up to You!

Thanks to the right to vote, the members of each local will elect the delegates to represent them at the Teamster Convention.

**Interested in
Running for Delegate?**

Contact TDU for more information
and assistance.

- The delegates that you elect to the 2001 Teamster Convention will nominate candidates for International office and vote on proposed amendments to the Teamster Constitution.
- Our constitution can only be changed by a majority vote of convention delegates.
- Locals with seasonal workers will begin holding delegate elections in early August. Some locals will conduct elections this fall, with most locals casting ballots between Feb. 20 and April 30, 2001.
- The Teamster Convention will be held in Las Vegas June 25-29, 2001.